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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference 2022414PC/or | | FOR FURTHER ACTION See Form PCT/IPEA/416 | |
| International application No. PCT/FI 2003/000032 | International filing date (day/month/year) 16-01-2003 | Priority date (day/month/year) 18-09-2002 | |
| International Patent Classification (IPC) or national classification and IPC H04M1/64, H04Q7/32 | | | |
| Applicant NOKIA CORPORATION ET AL | | | |

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

| | |
|---|--|
| Date of submission of the demand 13-04-2004 | Date of completion of this report 19-11-2004 |
| Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88 | Authorized officer Behroz Moradi /LR Telephone No. +46 8 782 25 00 |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FI 2003/000032

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☐ the description:

pages _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the claims:

pages _____ as originally filed/furnished

pages* _____ as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the drawings:

pages _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FI 2003/000032

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|-------------|-----|
| Novelty (N) | Claims | | YES |
| | Claims | <u>1-13</u> | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | <u>1-13</u> | NO |
| Industrial applicability (IA) | Claims | <u>1-13</u> | YES |
| | Claims | | NO |

2. Citations and explanations (Rule 70.7)

Cited documents in the International Search Report:

D1: EP 0851647 A2
D2: DE 10052368 A1
D3: EP 1191769 A2
D4: WO 0019688 A1
D5: US 6018671 A
D6: US 2002034956 A1
D7: US 2002181671 A1 (Published 5 December 2002).
D8: EP 1296501 A1 (published 26 March 2003).

D1 describes a method for processing a voice call establishment request from a calling terminal to a called terminal. The method comprising: detecting the call establishment request, and alerting the called terminal in response to the request. A tow-way connection between the calling and the called terminal will be set up. It will be determined that a tow-way voice call between the calling terminal and called terminal is not allowed. A message via a user interface of called terminal and/or calling terminal will be received. Information based on the received message conveys to the calling and/or called terminal, respectively, (column 2, line 25 - column 3, line 7; column 4, line 45 - column 5, line 19, claims 1, 31, 43, abstract).

D2 describes a discrete mobile phone with silent vibrator, includes special button transmitting pre-recorded text or speech message back to caller. D2 recognizes the inherent paradox of a mobile phone with vibrator. The vibrator indicates a call silently, but in a situation demanding silence, e.g. the theatre or cinema, speaking into the phone is very undesirable.

.../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of: BOX V

A pre-recorded text or speech message may be transmitted to the caller, to overcome the problem. It would typically indicate the situation, and an intention to call back. The possibility of a limited dialog presents itself, in which keys call up responses silently. In the simplest case, these might be yes or no, (claims 1-3, part (0004); (0007)-(0009)).

D3 discloses a telephone with interactive silent response facility controls read out of recorded voice announcements stored in digitized voice message store, in response to signals from key pad. A digitized voice message memory stores two or more recorded voice announcement. A control processor receives control signals from the keypad, for controlling the read out of the (RVA) for transmission. Enables user to carry-on limited interactive conversation, without need to speak and also to personalize messages stored in the microprocessor, (claim 1, 5, part (0001); (0004)-(0011); (0014) - (0028), abstract).

D4 describes a mobile telephone terminal has special pushbutton key to halt pre-recorded message and to enable normal voice communication when it is activated by user. A signal sent to a silent vibrator (72) alerts the user to an incoming call. A special pushbutton key allows the call to be answered with a pre-recorded message, e.g. informing the caller that the called party will speak to them shortly, which can be stored using a DSP module (60). Another dedicated key halts the pre-recorded message and enables normal speech communication, when activated by the user. The terminal can be programmed by the user to automatically answer calls after a preset ring number, allowing the user to talk without pressing any buttons. Enables a user to silently answer incoming calls on a mobile telephone terminal in a manner which effectively informs the caller that his call is being attended to and does not disturb others in the user's vicinity, (page 1, line 26 - page 2, line 10; page 3, line 8 - line 25, claim 1, 14).

D5 and D6 describe a controller displays at least one optional message as a reply to a caller, when a user input to a silent answer key is detected during predetermined period, otherwise transmits a default message to the caller. The controller selectively answers a call of an incoming call alert by activating communication between a microphone and a speaker.

The invention according to claims 1 - 13 is not novel with respect to D1 or D2.